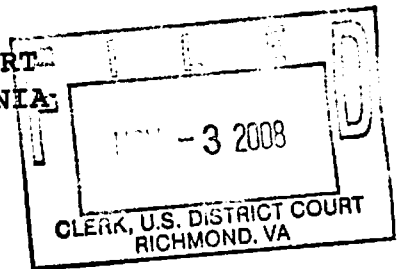


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



LINDA POOLE,

Plaintiff,

v.

Civil Action No. 3:08cv237

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant.

ORDER

Having reviewed the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Docket No. 14) entered herein on September 30, 2008, the PLAINTIFF'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION (Docket No. 15), the DEFENDANT'S REPLY TO PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE'S REPORT AND RECOMMENDATION (Docket No. 16) and the PLAINTIFF'S SURREPLY TO DEFENDANT'S OBJECTIONS TO PLAINTIFF'S OBJECTIONS TO UNITED STATES MAGISTRATE'S RECOMMENDATION AND REPORT (Docket No. 17), and having considered the record and the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE and finding no error therein, it is hereby ORDERED that:

- (1) The plaintiff's objections are overruled;
- (2) The REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE is ADOPTED on the basis of the reasoning of the Report and Recommendation;

(3) The DEFENDANT'S MOTION TO REMAND (Docket No. 11) is granted;

(4) The plaintiff's MOTION FOR SUMMARY JUDGMENT (Docket No. 8) is denied as moot; and

(5) The final decision of the Commissioner is reversed and remanded for further proceedings as outlined in the REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Docket No. 14).

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

REP  
/s/  
Senior United States District Judge

Richmond, Virginia  
Date: October 31, 2008